

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

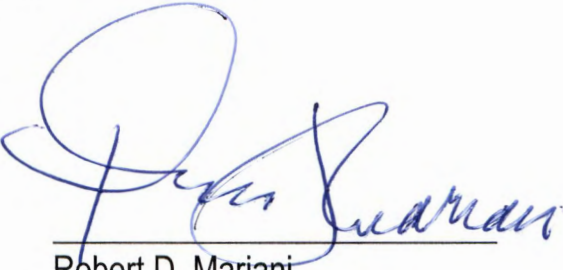
MALIK MANSON,	:	Civil No. 3:23-cv-204
	:	
Plaintiff	:	(Judge Mariani)
	:	
v.	:	
	:	
LIEUTENANT VOGT,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 30th day of November, 2023, upon consideration of Defendant's motion (Doc. 12) to dismiss, and the parties' respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 12) is **GRANTED** in part and **DENIED** in part.
2. The motion is **GRANTED** as follows:
 - a. The Eighth Amendment conditions of confinement claim concerning the unsanitary cell conditions is **DISMISSED**.
3. The motion is **DENIED** as follows:
 - a. The Eighth Amendment conditions of confinement claim concerning exposure to OC spray shall **PROCEED**.
 - b. Defendant shall **FILE** an appropriate pretrial motion in the manner set forth in the Federal Rules of Civil Procedure.
4. On or before December 14, 2023, Defendant shall **FILE** a response to Plaintiff's motion (Doc. 16) to compel discovery.

5. Any appeal from this Order is **DEEMED** frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).



Robert D. Mariani
United States District Judge